

Attorney for Defendant

DISTRICT OF NEVADA

Defendant.

**STIPULATION TO CONTINUE
SENTENCING**
(First Request)

2. Defense counsel has a scheduling conflict on the current sentencing date.

1 3. All parties agree to the continuance.

2 4. The additional time requested herein is not sought for purposes of delay.

3 5. Additionally, denial of this request for continuance could result in a miscarriage
4 of justice.
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6 6. This is the first request to continue sentencing filed herein.

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8 DATED this 3rd day of July 2023.

9 BENJAMIN DURHAM LAW FIRM

JASON FRIERSON
United States Attorney

10
11 */s/ Benjamin Durham*

/s/ Jacob Operskalski

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Attorney for Defendant

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Attorney for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	2:20-cr-00156-10
Plaintiff,)	
)	
vs.)	
)	
JOSE GERARDO CORTEZ-DIAZ,)	
)	
Defendant.)	
_____)	

FINDINGS OF FACT

Based on the pending stipulation of counsel, and good cause appearing, the Court finds:

1. Defense counsel needs additional time to prepare and complete certain tasks related to sentencing mitigation in order to effectively represent Mr. Cortez-Diaz at the time of sentencing.
2. Defense counsel has a scheduling conflict on the current sentencing date.
3. All parties agree to the continuance.
4. The additional time requested herein is not sought for purposes of delay.
5. Additionally, denial of this request for continuance could result in a miscarriage

1 of justice.

2 6. This is the first request to continue sentencing filed herein.

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4 For all of the above-stated reasons, the ends of justice would best be served by a
5 continuance of the sentencing.

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8 **CONCLUSIONS OF LAW**

9 The ends of justice served by granting said continuance outweigh the best interest of
10 the public, since the failure to grant said continuance would be likely to result in a
11 miscarriage of justice, would deny the parties herein sufficient time and the opportunity
12 within which to be able to effectively and thoroughly prepare for sentencing, taking into
13 account the exercise of due diligence.

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15 **ORDER**

16 IT IS HEREBY ORDERED that the sentencing currently scheduled for July 11, 2023
17 be continued to __ August 29, 2023 at 10:00 am

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19 Dated this the 6th of July, 2023.

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23 UNITED STATES DISTRICT JUDGE
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